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DEPARTMENT OF
WATER RESOURCES

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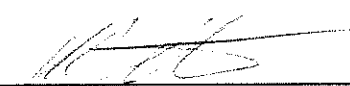
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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re: SRBA) A. Subcase 45-81B
)
)
Case No. 39576) MOTION TO SET ASIDE
) PARTIAL DECREE
)
_____)

COMES NOW Manning Ranches, Inc., the Claimant, pursuant to I.R.C.P. 60(b)
and hereby moves to set aside the partial decree entered in the above case under the
standard of mistake, inadvertence, surprise, or excusable neglect. This motion is
based upon the affidavit of R.C. Stone submitted herewith.

DATED this 20 day of January, 2006.

PARSONS, SMITH & STONE, LLP



R.C. Stone
Attorneys for Claimant
137 West 13th Street
P.O. Box 910
Burley, ID 83318

CERTIFICATE OF MAILING

I certify that on 20 of January, 2006, I served a true and exact copy of the foregoing Motion to Set Aside Partial Decree, including all attachments, if any, to the following in the manner noted:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83301

☒ Via First Class U.S. mail
☐ Via Facsimile
☐ Via Overnight Carrier
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Copies to:

Tim Payton, President
Represented by: Travis L. Thompson
113 Main Avenue West, Ste 303
Twin Falls, ID 83301-6167

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Boise, ID 83720-0098

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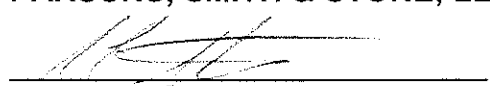
United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street MSC 033
Boise, ID 83724

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☐ Via Facsimile
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Chief, Natural Resources Division
Office of Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

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☐ Via Facsimile
☐ Via Overnight Carrier
☐ Via Hand Delivery

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